

No. 11(112)-80-3Lab/10014.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Gases and Equipments (India) Private Limited, Gurgaon.

IN THE COURT OF SHRI ISHWAR PARSHAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD

Reference No. 213 of 1980

between

SHRI BRIJ RAJ KISHOR SHARMA, WORKMAN AND THE MANAGEMENT OF
M/S GASES AND EQUIPMENTS (INDIA) PRIVATE LIMITED, GURGAON

Present :—

Shri Brij Raj Kishor Sharma, workman with Shri Sharda Nand.

Shri R.S. Duggal, General Manager with Shri M.P. Gupta, for the Management.

AWARD

This reference No. 213 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/21-80/18629, dated 23rd April, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Brij Raj Kishor Sharma, workman and the management of M/s Gases and Equipments (India) Private Limited, Gurgaon. The term of the reference was :—

Whether the termination of services of Shri Brij Raj Kishor Sharma was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. On the last date of hearing, the workman Shri Brij Raj Kishor Sharma made a statement in this court that he had mutually settled his case with the respondent-management and also received a sum of Rs. 540/- (Rupees Five hundred and forty only) in full and final settlement of his all claims including the rights of re-instatement or re-employment. He further stated that now there is no dispute left with the respondent Company. This statement was duly agreed by the representative of the management.

In view of the statements given by both the parties, I give my award that there is no dispute between the parties as the parties have settled the dispute. No order as to costs. So this award is in answer of this reference.

Dated the 22nd August, 1980.

ISHWAR PARSHAD CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1580, dated the 25th August, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PARSHAD CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3 Lab/10015.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Gases and Equipments (India) Pvt. Ltd., Plot No. 15, Gurgaon.

IN THE COURT OF SHRI ISHWAR PARSHAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 214 of 1980

between

SHRI RAM ASHRE, WORKMAN AND THE MANAGEMENT OF M/S GASES AND
EQUIPMENTS (INDIA) PVT. LTD., PLOT NO. 15, GURGAON.

Present :—

Shri Ram Ashre, workman with Sh. Shardha Nand.

Shri R. S. Duggal, General Manager with Sh. M. P. Gupta.

AWARD

This reference No. 214 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/18-80/18653, dated 23rd April, 1980 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Ashre, workman and the management of M/s Gases and Equipments (India) Pvt. Ltd., Gurgaon. The term of the reference was :—

Whether the termination of services of Shri Ram Ashre was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. On the last date of hearing, the workman Shri Ram Ashre made a statement in this court that he had mutually settled his case with the respondent-management and also received a sum of Rs. 410 (Rs. Four hundred and ten only) in full and final settlement of his all claims including the rights of re-instatement or re-employment. He further stated that now there is no dispute left with the respondent Company. This statement was duly agreed to by the representative of the management.

In view of the statements given by both the parties, I give my award that there is no dispute between the parties as the parties have settled the dispute. No order as to costs. So this award is in answer of this reference.

ISHWAR PARSHAD CHAUDHRY,

Dated the 22nd August, 1980.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 1579, dated the 25th August, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PARSHAD CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3 Lab/10017.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Partap Steel Rolling Mills, Pvt. Ltd. (Refractory Division), Sector-25, Ballabgarh.

IN THE COURT OF SHRI ISHWAR PARSHAD CHAUDHRY, PRESIDING OFFICER, LABOUR
COURT, HARYANA, FARIDABAD

Reference No. 82 of 1980

between

SHRI MOHD JUVED, WORKMAN AND THE MANAGEMENT OF M/S. PARTAP STEEL
ROLLING MILLS, PRIVATE LIMITED, (REFRACTORY DIVISION), SECTOR-25,
BALLABGARH

Present.—None, for the workman.

Shri S. C. Malik, Time-Office Incharge along with Shri K. P. Aggarwal, for the management.

AWARD

This reference No. 42 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/FD/6/89/6355, dated 4th February, 1980 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Mohd Juved, workman and the management of M/s. Partap Steel Rolling Mills, Private Limited, (Refractory Division) Sector 25, Ballabgarh. The terms of the reference was : —

Whether the termination of services of Shri Mohd Juved, was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties who appeared and filed their pleadings. On 2nd April, 1980 issues were framed by me. Then the case was fixed for the evidence of the workman. On 1st August, 1980 the representative of the workman Shri P. K. De, had withdrawn from this reference voluntarily. In these circumstances, I had to proceed *ex parte* against the workman and the case was fixed for the *ex parte* evidence of the management for 4th August, 1980.

On 4th August, 1980 the *ex parte* evidence of the management was recorded. The management produced Shri S. C. Malik, Time Officer, Incharge of the respondent-management its sole witness as MW-1. He made a statement that Shri Mohd Juved approached the management for settlement and a settlement under section 18 (i) of the Industrial Disputes Act, 1947 had been arrived at between the parties. The copy of settlement of Shri Mohd Juved is Ex. M-1. According to this settlement the workman Shri Mohd. Juved has taken his full and final dues from the management, photo copy of which is ex. M-2. He further stated that the workman has also foregone the right of reinstatement or re-employment with the management as per the terms and condition of the settlement. He has also stated that now there is no dispute left between the parties.

In view of un-rbutted *ex parte* evidence produced by the management I am left with no choice except to believe the version of the management. Over and above this my finding gets support from the absention of the workman in the proceedings in this court in this reference. I feel that the workman had settled his disputes with the respondent management and no claim is made out of the workman against the management. I give my award accordingly. No order as to costs.

This may be read in answer to this reference.

Dated 22nd August, 1980.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1587, dated the 25th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, 'Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above award may please be acknowledged within a week's time.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab/10019.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s D. R. Kumar Brothers, 1/1, Manesar Road, Gurgaon.

IN THE COURT OF SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 289 of 1980

between

SHRI MULAKH RAJ DUGGAL, WORKMAN AND THE MANAGEMENT OF M/S D. R. KUMAR BROTHERS, 1/1, MANESAR ROAD, GURGAON

Present.—

Shri Mulakh Raj Duggal, workman in person.

Shri Sushil Kumar Jain, for the management.

AWARD

This reference No. 289 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/35-80/35082, dated 1st July, 1980 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Mulakh Raj Duggal, workman and the management of M/s D. R. Kumar Brothers, 1/1, Manesar Road, Gurgaon. The term of the reference was :—

Whether the termination of services of Shri Mulakh Raj Duggal, was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. On the last date of hearing, the workman Shri Mulakh Raj Duggal, made a statement in this court that he had mutually settled his case with the respondent management and also received a sum of Rs. 9,075 (Rs. Nine-Thousand and Seventy-five only) in full and final settlement of his all claims excepting the amount of Bonus for the year 1979-80. The bonus amount of Rs. 675 will be paid by the management in the first week of November, 1980. He further stated that he had also foregone the right of reinstatement or re-employment with the respondent management. He also stated that now there is no dispute left with the management. This statement was duly agreed to by the representative of the management and filed a photo copy of this settlement which is Ex. M-1.

In view of the statements given by both the parties, I give my award that there is no dispute between the parties as the parties have settled the dispute. No order as to costs. So this award is in answer of this reference.

Dated 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1585, dated 25th August, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab./10020.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Armeets Tools Equipment (P) Ltd., 12/5, Mathura Road, Faridabad :—

BEFORE SHRI I. P. CHAUDHRY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 268 of 1980

between

SHRI K. C. GANESH, WORKMAN AND THE MANAGEMENT OF M/S ARMEET TOOLS
EQUIPMENT (P) LTD., 12/5, MATHURA ROAD, FARIDABAD

Present.—Shri K. C. Ganesh, workman in person.

None for the respondent management.

AWARD

This reference No. 268 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/20-80/30350, dated 19th June, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri K. C. Ganesh, workman and the management of M/S. Armeet Tools Equipment (P) Ltd., 12/5, Mathura Road, Faridabad. The terms of the reference was:—

Whether the termination of services of Shri K. C. Ganesh was justified and in order ? If not, to what relief is he entitled ?

After receiving the order of reference, notices were issued to both the parties, for 22nd July, 1980. On 22nd July, 1980 Shri K. C. Ganesh workman in person appeared, but none was present on behalf of the management. There was report on the file of this court that the peon and steno of the respondent were present when the process server went to give the notice, but they had refused to take the notice from the peon of this court. It was 9.15 a.m. The case was called thrice. I ordered *Ex parte* recordings against the management and the case was fixed for recording of *Ex parte* evidence of the workman for 30th July, 1980.

On 30th July, 1980 the workman appeared WW-1 as his own witness. He stated that he was working with the respondent company as accountant. He was under the control and supervision of a chartered accountant. The witness further stated that his duty was to write cash book and Ledger book. The witness had also stated that he joined the management on 27th January, 1975 at a monthly salary of Rs 550. The management had not given him any appointment letter. Ex-W-1 the original copy of the letter written by the respondent to the E. S. I. Dispensary on 28th August, 1975. Ex-W-2 is written by the respondent management as the witness had been seeing him reading and writing. Ex-W-3 is also written by the respondent proprietor on 13th October, 1976. The witness further stated that he had written letter through regd. A.D. which is Ex-W-4 and the A.D. Receipt is Ex-W-4/1. The workman further stated that he has send a telegram to the management the receipt of which is R-5. The management wrote the workman Ex-W-5 and the workman replied letter,—vide Ex-W-6 to which they refused to accept. The receipt of this letter is Ex-W-6/1. The workman further stated that the management had not given him any termination letter, but he was not allowed to join only after 13th October, 1976. Letter Ex-W-7 was sent to the management through Regd. A.D. and copy of this letter was sent to the Labour Inspector. Ex-W-9 is letter sent by the director of the company. The workman further stated that the management terminated his services because they asked the workman to do illegal work to which he refused to do it. On this account this management terminated the services of the workman. The workman further prayed that he be re-instated with full back wages and continuity of service, and closes his case.

Keeping in view the circumstances of the case, I see no reason why the un-rebutted statement given on oath by the workman should not be belied especially when the management chose not to appear and defend this reference before this court. So I believe the un-rebutted statement of the workman hold that the termination of the services of the workman Shri K. C. Ganesh was un-justified and not in order. He is entitled to be re-instated with full back wages and continuity of service, with cost of Rs 100 to this reference.

I answer the reference while returning the award in these terms.

Dated, the 22nd August, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1584, dated the 25th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, with the request that receipt of the award may please be acknowledged within a week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3Lab./10021.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Foodimp Agencies Pvt. Limited, Sector-6, Faridabad:—

IN THE COURT OF SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD.

Referee No. 86 of 1979

between

SHRI DATA RAM, WORKMAN AND THE MANAGEMENT OF M/S. FOODIMP AGENCIES
PVT. LIMITED, SECTOR 6, FARIDABAD

Present :—

Shri R. L. Sharma, for the workman.

Shri H. C. Singla, for the respondent management.

AWARD

This reference No. 86 of 1979 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/125-79/58154, dated 27th March, 1979 under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication the dispute existing between Shri Data Ram, workman and the management of M/S. Foodimp Agencies Pvt. Ltd., Sector 6, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Datta Ram was justified and in order ? If not, to what relief is he entitled ?

After receiving the order of reference, notices were issued to both the parties for 16th January, 1980. The parties appeared and filled their pleadings. On the pleading of the parties, following issues were framed :—

- (1) Whether the demand initially made by workman to the other party (O.P.M)? If so, to what effect ?
- (2) Whether the claim under section 2(a) of the Act is not maintainable in law ? If so, to what effect (O.P.M.)
- (3) Whether the termination of the service of the petition is justified ? If not to what effect (O.P.P.)
- (4) Relief ?

No other issues was pressed or claimed for. The case was fixed for recording of evidence of the parties. On 22nd July, 1980, the workman Shri Data Ram made a statement that he had settled his dispute with the respondent management and under the terms of settlement he had received Rs 500 (Rs five hundred only) from the respondent management before the court. He further stated that he foregive his right of reinstatement/re-employment. Now nothing remained due from the management as he received all his claim from the management. This statement of the workman had agreed to by the Director of the company Shri H. C. Singla and stated that he had given Rs. 500 to the workman before this Court. Now nothing due to the workman.

In the light of the above statement made by the parties, I hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties.

This be read in answer this reference.

Dated, the 22nd August, 1980.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1583, dated the 25th August, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, with the request that the receipt of award may please be acknowledged within a weeks time.

I. P. CHAUDHRY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

H. L. GUGNANI,

Secretary to Government, Haryana,
Labour and Employment Departments.

LABOUR AND EMPLOYMENT DEPARTMENT

The 22nd August, 1980

No. 10 (178) 78-5 Lab.—In exercise of the powers conferred by section 87 read with section 91-A of the Employees State Insurance Act, 1948 (Central Act 34 of 1948), the Governor of Haryana hereby exempts the undermentioned factories and establishments engaged in the manufacturing processes in the State of Haryana from the operation of the said Act with effect from the 1st July 1980 to the 31st December, 1980, namely:—

- (1) Redrying manufactured leaf tobacco.
- (2) Rice milline.
- (3) Salt manufacture.
- (4) Wool pressing either with or without cotton pressing and ginning.
- (5) Oil mills, subject to the condition that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than fifty.
- (6) Ice manufacture.

H. L. GUGNANI,

Secretary to Government Haryana,
Labour and Employment Departments.